UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/627,327	RICHMOND ET AL.
	Examiner	Art Unit
	Abdou Karim Seye	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5-14 and 16-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5-14 and 16-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 July 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on September 06, 2007 has been received and entered.

Claims 1, 5,12, 16, 23 and 24 have been amended and claims 4 and 15 have been

cancelled.The currently pending claims considered below are Claims 1-3, 5-14 and 16-

26.

Specification objection.

2. In page 23, lines 16-20, reciting "one or more means-plus-function limitations

recited in the following claims, the means are not intended to be limited to the

means disclosed herein for performing the recited function, but are intended to

cover in scope any means, known now or later developed, for performing the

recited function. " (emphasis added) that Such means "later developed " is non

existing, so one cannot have/process, what's not even exist just yet.

Appropriate correction is required.

Drawing objection.

3. The drawings (1-9) are objected to because they are informal ; also (FIG. 4-6)

are not of sufficient quality . Accordingly replacement drawing sheets in

compliance with 37 CFR 1.21 (d) are required in reply to this office action.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition
> of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to
> the conditions and requirements of this title.

Claim 12 is non statutory.The claimed system is constructed of software program instructions. Thus, the claimed system comprising of a user interface and a message component are considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ".

Dependent Claims 13-14 and 16-22 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claim 12.

Appropriate correction is required.

Claim 23 is not limited to statutory embodiments. The medium is not limited to physical articles or objects embodiments, instead being defined as including non physical embodiments (e.g., data signals embodied in a carrier wave; see specification, page 8, lines 12-17). The non physical embodiments are a form of energy. Energy does not fall into a statutory category of invention and therefore the claim is not statutory.

Appropriate change is required.

Claim 24 is non statutory. The claimed system is software program instructions. Thus, the claimed system comprising of means for enabling the user to indicate a first value; means for concurrently displaying values of network objects; means for receiving one or more user inputs; means for receiving a value from the user and a message component are considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject matter
> sought to be patented and the prior art are such that the subject matter as a whole would
> have been obvious at the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be negatived by the manner
> in which the invention was made.

6. Claims 1-3,12-14, 23-26 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Miyake et al. (US 6732170) in view of Raymond et al (US

20020161876).

As to claims 1, 12, 23 and 24, Miyake teaches, a method, system and product of

enabling a user to set a value for a plurality of network objects representing one

or more portions of a plurality of different network device types on a

communications network, the method comprising acts of:

(A) providing a user interface that enables the user to indicate a first value

for which to set the plurality of network objects representing the one or more

portions of the plurality of different network device types by specifying the first

value only once, wherein the act of providing a user interface comprises the acts

of (FIG. 1; FIG. 3; col. 8, lines 1-64):

(2) receiving one or more user inputs, the one or more user inputs specifying the

plurality of network objects representing the one or more portions of the plurality

of different network device types (col. 8, line 12-20; col. 10, line 40-44; FIG. 10-

14, vol. 11, lines 50-58; FIG. 77); and

(3) receiving a value from the user for the plurality of network objects

representing the one or more portions of the plurality of different network device

types(col. 10, line 40-44); and

    (B) in response to receiving an instruction from the user, initiating setting a

value of each of the plurality of network objects representing the one or more

portions of the plurality of different network device types equal to the first value

(col. 10, line 44-65).

       However, Miyake does not explicitly teach (1) concurrently displaying

values of network objects on a display, including values of the plurality of network

objects representing the one or more portions of the plurality of different network

device types, to the user;

       Whereas, in the same field of endeavor, Raymond discloses a

management information system and method within a network computing

environment capable of grouping the management information of entities

(values and attributes) into columns that are displayed concurrently (FIG. 8; col.

paragraph 67;100; 145).

       It would be obvious to one having ordinary skill in the art at the time the

invention was made to modify Miyake's invention with Raymond's invention to

provide a network administrator with a flexible and extensible in-depth views of a

computer environment by concurrently displaying values of network objects on a

display, including values of the plurality of network objects representing the one

or more portions of the plurality of different network device types. One would

have been motivated combine these two reference as to provide a network

administrator with any desired visibility into the outsourced computing

environment. Therefore to facilitate efficient management of the network

environment (Raymond's ; paragraph 61).

As to claim 2, Miyake teaches, wherein a first network object of the

plurality of network objects representing the one or more portions of the plurality

of different network device types resides on a first network device and a second

network object of the plurality of network objects representing the one or more

portions of the plurality of different network device types resides on a second

network device (FIG. 10-14; col. 11, lines 53-58; col. 15, lines 7-20),

As to claim 3, Miyake teaches, wherein the user interface includes a graphical

user interface (FIG. 11/1104).

As to claims 13-14 and 25-26, they are rejected for the same reasons as the

claims above.

7. Claims 5-11 and 16-22 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Miyake et al. (US 6732170) in view of Raymond et al (US

20020161876) and in further view of Schirmer et al (6829615).

Taking claim 5, in view of <u>Miyake,</u> as applied to claims 1, 12, 23 and 24 above, teaches all the limitations except that, (1) concurrently displaying values of network objects on a display, including values of the plurality of network objects representing the one or more portions of the plurality of different network device types, to the user.

Whereas, in the same field of endeavor <u>Raymond</u> discloses a management information system and method within a network computing environment capable of grouping the management information (values and attributes) into columns that are displayed concurrently (FIG. 8; col. paragraph 67;100; 145).

It would be obvious to one having ordinary skill in the art at the time the invention was made to modify <u>Miyake</u>'s invention with <u>Raymond</u>'s invention to provide a network administrator with a flexible and extensible in-depth views of a computer environment by concurrently displaying values of network objects on a display, including values of the plurality of network objects representing the one or more portions of the plurality of different network device types. One would have been motivated combine these two reference as to provide a network administrator with any desired visibility into the outsourced computing environment. Therefore to facilitate efficient management of the network environment (<u>Raymond</u>'s ; paragraph 61).

The combination of <u>Miyake</u> and <u>Raymond</u> as discussed above shows the limitations claimed, except they do not specifically discloses, wherein: act (A)(1)

includes displaying a first table to a user on the display, the first table including a plurality of rows and at least a first column representing a first object type of the plurality of network objects representing the one or more portions of the plurality of different network device types, each of plurality of the rows including a cell for the first column that stores a value for one of the plurality of network objects representing the one or more portions of the plurality of different network device types; act (A) further comprises an act of: (4) displaying a second table to the user on the display concurrently to displaying the first table, the second table including one or more columns, each column of the second table corresponding to a respective one of the columns of the first table; and act (A)(3) includes receiving the value from the user for a column of the second table that corresponds to the first column of the first table.

In the same field of endeavor, Schirmer et al. clearly disclose a graphical user interface which comprises a series of tables that provides for display of a primary object set; a plurality of a secondary set of objects and concurrently displaying the primary object set and the secondary object set (abstract; col. 18, lines 9-42).

It would obvious to a person of ordinary skill in the art at the time the invention was made to not only concurrently displaying values of network objects on a display, but also include a display of values of network object on a first and second table as taught by Schirmer et al. in the system of Miyake modified by Raymond, in order to provide an efficient system for managing and presenting information as a domain of data objects which can be grouped according to their

object type. One would have been motivated to do so with filtering means in order to reduce the number of visible items in a set (Schirmer; col. 8, lines 10-15).

As to claim 6, Schirmer teaches , wherein: act (A)(2) includes receiving the one or more user inputs that specify the plurality of rows of the first table; and act (A) further comprises an act of: (5) in response to receiving the value from the user, for each of the plurality of rows, setting the cell for the first column equal to the received value (col. 8, lines 10-30; FIG. 1-7).

As to claim 7-11 and 16-22, they are rejected for the same reasons as the claims above.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

 Tonelli et al. (5821937) discloses a computer method for updating network design.

Chin et al. (6456306) discloses a method and apparatus for displayin health status of network devices.

Sugauchi et al. (6041349 discloses a system management/network correspondence display method and system therefor.

9.   Any inquiry concerning this communication or earlier communications
from the examiner should be directed to Exr. Abdou Seye whose telephone
number is (571) 270-1062. The examiner can normally be reached Monday
through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact
the examiner's supervisor, William Thomson at (571) 272-3718. The fax
phone number for formal or official faxes to Technology Center 3600 is
(571) 273-8300. Draft or informal faxes, which will not be entered in the
application, may be submitted directly to the examiner at (571) 273-6722.
Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group Receptionist whose telephone
number is (571) 272-3600.

AKS
November 14, 2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER